

REMARKS

The present amendment is submitted after allowance under 37 CFR 1.312.

In the Examiner's amendment of claim 13 (Notice of Allowance of 11/17/09), the verb "comprises" and the limitation "from 0.05 to 2% by weight of at least one nonassociative thickener (B) comprising at least one methacrylate copolymer based on C1-C6 alkyl (meth)acrylate and (meth)acrylic acid" were deleted from previous presented claim 13. This omission is believed to be unintentional.

Entry of the present amendment restoring these portions of claim 13 is respectfully requested. The Examiner is encouraged to contact the Undersigned by telephone if the deletions were not unintentional.

Comments on Statement of Reasons for Allowance Under 37 CFR. §1.104(e).

Under 37 C.F.R. §1.104(e), reasons for allowance are intended only as a supplement to the "record as a whole" when that record is not clear and shall not be treated as a substitute for the record or in a manner inconsistent with the record. Therefore applicant accepts the PTO's reasons only to the extent that they are consistent with the record as a whole and does not accept any claim interpretation that is broader or narrower than that afforded by the record as a whole prior to the examiner's statement of reasons for allowance. As to all claims for which the basis for allowance is otherwise clear from the record, no further limitation can be inferred from the examiner's statement under Rule 104(e).

The Office states:

Applicant's arguments, see Page 4 of 8, filed 10/22/2009, with respect to the amount of the metal oxide used in the pigment paste is not equivalent to the amount of the metallic pigment used in the Sapper's composition have been fully considered and are persuasive.

(Notice of Allowance of 11/17/09, p. 2, first paragraph)

Applicants note that Page 4 of 8 of Applicants' arguments filed 10/22/09 are directed toward Bergfried, not Sapper. This is consistent with the Office's statement under Allowable Subject Matter (p. 4, first full paragraph), which statement Applicants are in agreement with.

As always, the Examiner is encouraged to contact the Undersigned by telephone if direct conversation would be helpful.

Respectfully Submitted,

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